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Lander County
Board of Commissioners

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Jane R. Summerson, EIS Document Manager
Yucca Mountain Site Characterization Office
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
P.O. Box 30307, M/S 010
North Las Vegas, NV 89036-0307

Re: Supplement to the Draft Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada

Dear Dr. Summerson:

Lander County has reviewed the subject Supplement and is providing the following comments. These comments are being submitted in addition to those already submitted on behalf of Lander County regarding the Draft Environmental Impact Statement (DEIS), and are intended to supplement, and in no way diminish those comments already provided.

1 We remain extremely concerned about the continual evolution of the repository design, particularly in light of the need to meet certain statutorily imposed schedule requirements. To date, DOE has submitted at least four design options in the DEIS. DOE continues to insist that as more information is gathered and data reviewed, improvements to design options can be made. If this is the case, design options in the DEIS were never realistic. Only design options that are capable of being implemented should be considered in an EIS. DOE needs to develop a final and best design option and then submit it for review. The continual development of "straw man" proposals in order to meet statutorily driven schedules only undermines the credibility of DOE.

We agree with the State of Nevada's position on the use of design evolution. They state in their comments to the supplement:

> *"The DEIS Supplement is insufficient in that it fails to provide a specific description of alternatives for how the Proposed Action, "to construct, operate and monitor, and eventually close a geologic repository at Yucca Mountain for the disposal of spent nuclear fuel and high-level radioactive waste," could be accomplished. Instead the flexible design is "representative of a range of foreseeable future design features and operating modes, and the conservative*

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estimates of the associated potential environmental impacts [that] encompass or bound the potential impacts of foreseeable future repository design evolution." (Page S-2). The Supplement does not identify specific design alternatives, from which one could be selected, and evaluate and compare their potential impacts. It only provides an update (current as of May, 2001) of design evolution that has taken place since issuance of the DEIS. Furthermore, there is no basis to accept the assertion that the potential environmental impacts are encompassed in the Supplement's analyses, since the DEIS made the same claim in 1999, and the design continues to evolve, even as we are commenting on this Supplement."

2 Page 2-1 indicates that DOE may include as many as 6,000 more canisters under the proposed action in the Supplement as compared to the proposals in the Draft Environmental Impact Statement, an almost 50 percent increase. With respect to the additional canisters, there appears to be no discussion or analysis related to the expanded repository size (105,000 metric tones), total acreage needed, and the prospects for increased juvenile canister failures.

3 Page 2-8 indicates that DOE would consider aging as much as 40,000 mthm of commercial spent nuclear fuel during a 50-year period. The surface aging proposal appears to be a significant change in basic proposals for the repository. More than half of the total waste would be held above ground in effect creating an interim storage facility. This change probably requires additional environmental analysis beyond this supplement. There is very limited analysis in the Supplement as it relates to the surface aging requirement. Coincidently, the amount of waste considered for aging is similar to the amount proposed for the Skull Valley interim site. DOE should incorporate the possibility of a Skull Valley site into any future waste management system. It appears that the surface aging facility for maintaining this inventory at the Yucca Mountain site is nothing more than a thinly disguised monitored retrievable (MRS) or interim storage facility. The co-location of a repository and an MRS is specifically prohibited by the Nuclear Waste Policy Act.

4 Page 3-21 indicates that waste packages will remain intact for 10,000 years. Any design options DOE proposes would be acceptable because the waste canister is the most important containment mechanism. If DOE continues to rely upon this rationale, there does not appear to be any need to continue to strive for improved repository performance because as long as the containers stay intact it would appear that all designs would meet performance requirements. As we have asked repeatedly, DOE needs to consider under what conditions the repository would fail to meet performance standards.

5 Page 3-22 Table 3-14 please explain what causes the peak mean dose of the S&ER design be lower but occur sooner than the DEIS thermal load scenarios. The supplement only reports the results of the performance assessment but provides no explanation as to the differences in performance among the various thermal designs.

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6 Overall, Lander County is disappointed at the level of analysis in the Supplement. Most of the impact analysis is generic statements about impacts or references to previous analysis provided in the DEIS.

If you have any questions concerning this comment letter, please do not hesitate to call me at (775) 635-2885.

Sincerely,

Mickey Yarbro, Chair
Lander County Board of Commissioners